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BT

CONFIDENTIAL SECTION 01 OF 02 PARIS 36373
FOR DEPUTY SECRETARY ROBINSON FROM AMBASSADOR LEARSON
E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: GROUP OF 5 MEETING, PARIS,
6-9 DECEMBER - MID-MEETING SUMMARY.

REF: PARIS 36101

SUMMARY. ALL DELEGATIONS AGREED ON DISAPPOINTMENT IN
PROGRESS MADE AT AUGUST/SEPTEMBER SESSION. FRANCE AND
SOVIET UNION WERE EXTREMELY CONCERNED ABOUT FUTURE
VOTING IN CONFERENCE AND BOTH EXPRESSED SUPPORT AND
NECESSITY FOR CONTINUED RELIANCE ON CONSENSUS PRO-
CEDURES. FRANCE NOTED THAT MANY STATES WERE OBTAINING
SATISFACTION OF MAIN OBJECTIVES OUTSIDE LOS (ECONOMIC
ZONE RESOURCES) BY UNILATERAL LEGISLATION. THAT
OBSERVATION COMBINED WITH FIRM FRENCH POSITIONS MAY
INDICATE THAT THEY BELIEVE THAT THEY HAVE CONCEDED AS
MUCH AS THEY CAN OR THAT THEY FEEL TREATY PROCESS WILL
NOT SUCCEED. UK SEEMS TO BE WILLING TO MAKE FURTHER
CONCESSIONS ON MANY ISSUES. SOVIETS' CONFUSING POSTURE
LEAVES ONE WITH IMPRESSION THAT IT IS IMPORTANT TO REACH
A GENERAL UNDERSTANDING WITH THEM ON SEVERAL OUTSTANDING
ISSUES LEST THEY GO THEIR OWN WAY ON CERTAIN ISSUES OF
MAJOR IMPORTANCE TO U.S. JAPAN IS SOFT ON THE ECONOMIC
ZONE, VERY HARD ON STRAITS AND OBVIOUSLY CONCERNED
ABOUT BILATERAL FISHERY NEGOTIATIONS WITH US AND USSR.
THE G-5 ARE UNANIMOUS THAT COMMITTEE I MUST RE-
CEIVE PRIORITY AT THE NEXT LOS CONFERENCE AS IS PRESENTLY
PLANNED AND THAT THE PARALLEL SYSTEM WITH GUARANTEED
ACCESS IS ESSENTIAL. THERE WAS OPPOSITION TO THE
NIGERIAN PROPOSAL ON JOINT VENTURES FROM THE USSR AND UK.
THE FRENCH ARE OPEN MINDED AND THE JAPANESE CONFIDED
PRIVATELY THAT THERE IS A DIVISION OF OPINION WITHIN
THEIR GOVERNMENT. THE OTHER G-5 MEMBERS WERE NOT ABLE
TO AGREE AT THIS TIME TO THE ENTERPRISE FINANCING PRO-
POSALS MADE BY SECRETARY KISSINGER AT THE LOS SUMMER

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G-5

LOS
(CHRONO)

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SESSION. THE USSR WAS EMPHATIC IN REJECTING COMPULSORY CONTRIBUTION TO THE FINANCING OF THE ENTERPRISE. THERE WAS COMPLETE AGREEMENT THAT THE CO-CHAIRMAN ARRANGEMENT USED FOR COMMITTEE I DURING THE LAST LOS SESSION WAS COMPLETELY UNSATISFACTORY AND SHOULD NOT BE REPEATED. ALTHOUGH DISCUSSION ON AGENDA ITEM OF NON-NEGOTIABLE POSITIONS WAS SHORT, THE SOVIETS PRESENTED A LIST OF ONLY FOUR ITEMS, WHICH IS MOST DISTURBING IN ITS OMISSIONS. MOST SIGNIFICANT COMMON DENOMINATOR HOWEVER WAS UNANIMOUS VIEW, AT LEAST FOR TACTICAL PURPOSES, THAT G-5 BEGIN EVENSEN CONSULTATIONS WITH TOUGH POSITION ON SYSTEM OF EXPLOITATION, AT LEAST AS TOUGH AS WORK-SHOP PAPER 3 SUBMITTED IN NEW YORK AS USA PROPOSAL WITH G-5 AND EC SUPPORT. END SUMMARY.

1. COMMITTEE I PROCEDURES. THE G-5 ARE AGREED THAT THE FIRST WEEKS OF THE NEXT LOS SESSION MUST BE DEVOTED EXCLUSIVELY TO COMMITTEE I NEGOTIATIONS AT THE HEADS OF DELEGATION LEVEL (AS IS NOW PLANNED). THERE WAS UNANIMITY AMONG THE HEADS OF DELEGATION THAT THE COMMITTEE I CO-CHAIRMAN ARRANGEMENT FOR THE SUMMER LOS SESSION HAD BEEN UNSATISFACTORY AND SHOULD NOT BE REPEATED. BOTH CO-CHAIRMEN, HOWEVER, ARE ATTEMPTING TO CONTINUE THEIR ROLE DURING THE INTER-SESSIONAL PERIOD. THE HEADS OF DELEGATION BELIEVED THIS IS INCONSISTENT WITH THEIR LIMITED MANDATE, APPLICABLE ONLY TO THE LAST LOS SESSION. WHILE IT WAS RECOGNIZED THAT IT MIGHT BE IMPOSSIBLE TO DISSUADE THE CO-CHAIRMAN DR. JAGOTA FROM HIS ACTIVITIES IT WAS AGREED THAT THE U.K. AND FRANCE THROUGH THE EEC WILL ATTEMPT TO PERSUADE DR. SONDAL TO CEASE. IF SUCCESSFUL, THIS WOULD DIMINISH JAGOTA'S ROLE AS WELL. THERE WAS GENERAL WILLINGNESS TO PROCEED WITH PLANNED EVENSEN MEETING.

THE PARALLEL SYSTEM WITH GUARANTEED ACCESS IS ESSENTIAL TO THE G-5 AND TO THE SUCCESS OF THE CONFERENCE AND MUST BE RETAINED.

2. COMMITTEE I: SUBSTANCE. AS A NEGOTIATING TACTIC, THE HEADS OF DELEGATION ASKED THE COMMITTEE I EXPERTS TO PREPARE RECOMMENDATIONS AS TO HOW COMMITTEE I,

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C O N F I D E N T I A L SECTION 02 OF 02 PARIS 36373

ARTICLE 22, MIGHT BE TOUGHENED. COMMITTEE I EXPERTS
HAVE PREPARED FOUR SUGGESTED POSITIONS THAT COULD BE
TAKEN:

1) A JAPANESE PROPOSAL FOR SOME COSMETIC CHANGES
WHICH RETAINS THE FULL SUBSTANCE OF WORKSHOP PAPER 3;

2) THE U.S. WORKSHOP PAPER NO. 3 FROM THE SUMMER
1976 LOS CONFERENCE COMBINED WITH PARAGRAPH 3 OF THE
U.S.-DRAFTED ARTICLE 28 (NOT PRESENTED FORMALLY AT
THE LAST LOS SESSION);

3) A LIST OF 12 CRITERIA, PREPARED BY THE U.S.
DELEGATION, BY WHICH TO JUDGE THE USEFULNESS OF ANY
ARTICLE 22 PROPOSALS IN TERMS OF PROTECTING GUARANTEED
ACCESS AND MAKING DEEP-SEABED MINING ATTRACTIVE AND
VIABLE; AND

4) A NEW SOVIET PROPOSAL FOR ARTICLE 22, WHICH IS
INTENDED TO MOVE BACK TOWARDS A LICENSING SYSTEM,
ALONG WITH THE SOVIET WORKSHOP PAPER 2 (PRESENTED AT
THE SUMMER 1976 LOS SESSION). THESE PROPOSALS WILL BE
DISCUSSED BY THE HEADS OF DELEGATION ON DECEMBER 8.

3. SOVIET NON-NEGOTIABLE COMMITTEE I LIST. DR.
ROMANOV (USSR) PRESENTED WHAT HE SAID WAS THE OFFICIAL
SOVIET LIST OF NON-NEGOTIABLE ITEMS AT THE COMMITTEE I
EXPERTS' MEETING ON TUESDAY. THESE ITEMS ARE, IN HIS
WORDS:

1) THE RIGHT OF STATES TO EXPLOIT THE RESOURCES OF
THE AREA MUST BE IN THE CONVENTION;

2) THERE MUST BE PERMANENT COUNCIL MEMBERSHIP OF
THE BIG 5 MARITIME POWERS;

3) IN NO WAY WILL SCIENTIFIC RESEARCH BE UNDER THE
CONTROL OF THE AUTHORITY;

4) THE REGIME OF THE INTERNATIONAL SEABED AREA AND
THE TERMS OF REFERENCE OF THE AUTHORITY IN NO WAY
SHALL AFFECT THE STATUS OF THE SUPERJACENT WATERS AS
HIGH SEAS; AND

5) THE AUTHORITY SHALL HAVE NO SAY WHATSOEVER WITH

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RESPECT TO ANY CONTINENTAL SHELF MATTERS.

THE US DELEGATE POINTED OUT THAT THE SOVIET LIST OMITTED MANY POINTS THAT THE US CONSIDERS VITAL AND THAT TO BE USEFUL, A NON-NEGOTIABLE LIST HAD TO BE EXHAUSTIVE. COMMENT: WHAT IS IMPORTANT ABOUT THE USSR LIST ARE THE MANY OMISSIONS. THIS IS PROBABLY THE FIRST CONCRETE INDICATION WE HAVE THAT THE USSR MAY MAKE ITS PEACE WITH THE G-77 AT OUR EXPENSE.

4. NATURE OF ECONOMIC ZONE. US AND FRENCH PARTICULARLY FIRM ON COMPLEX OF ARTICLES ON HIGH SEAS STATUS OF ZONE AND RIGHTS AND DUTIES OF STATES IN ZONE. WE ARE TRYING TO PUT TOGETHER A PACKAGE WHICH ALL WILL PRESS DURING INTER-SESSIONAL CONSULTATIONS. UK IS SOFT ON ARTICLE 75 ON STATUS OF ZONE. USSR IS STRONG ON THAT ARTICLE BUT WEAK ON RELATED ARTICLES. JAPAN SEEKS TO PROTECT POSITION IN ANTICIPATION OF NEXT ROUND OF GIFA NEGOTIATIONS AND IS SOFT BUT WILLING TO GO ALONG WITH GROUP IN OTHER RESPECTS. CONSULTATIONS CONTINUE DECEMBER 8.

5. STRAITS. ALL STATES BUT JAPAN WILLING TO EXPLORE WHETHER CERTAIN COSMETIC CHANGES CAN BE MADE TO STRAITS ARTICLES TO SATISFY MALAYSIA AND TIE DOWN AGREEMENT ON THOSE CRITICAL ARTICLES. JAPAN STATES THEY DO NOT WANT TO CHANGE ARTICLE LEST THREE NUCLEAR PRINCIPLES ISSUES FORCE THEM TO PROPOSE ANTI-NUCLEAR AMENDMENT ON STRAITS. ALL OTHERS FELT THAT WHILE IDEALLY TEXT SHOULD BE UNCHANGED, TO AVOID PRESSURE TO SET UP STRAITS NEGOTIATIONS GROUP AT NEXT SESSION AND TO FURTHER WEAKEN OPPOSITION TO ARTICLES, COSMETIC CHANGES SHOULD BE EXPLORED TO SATISFY CERTAIN MALAYSIAN CONCERNS ON SAFETY AND POLLUTION THAT DO NOT GO TO BASIC TRANSIT REGIME.

6. COASTAL STATE COMPETENCE TO SET VESSEL SOURCE POLLUTION STANDARDS IN THE TERRITORIAL SEAS. US POSITION IN FAVOR OF COMPETENCE OVER CONSTRUCTION, DESIGN, EQUIPMENT AND MANNING STANDARDS OPPOSED BY OTHERS. FRENCH AND PERHAPS SOVIETS SEEM WILLING TO COMPROMISE TO GREATER OR LESSER EXTENT. COMPROMISE ACCEPTABLE TO US CANNOT BE REACHED THIS WEEK BUT UK WANTS BILATERALS BEFORE NEXT GROUP OF FIVE MEETING.

RUSA

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